



Illinois Department of Insurance

PAT QUINN
Governor

ANDREW BORON
Director

PUBLIC NOTICE

PURSUANT TO THE OPEN MEETINGS ACT (5 ILCS 120/1 et seq.) A SPECIAL OPEN MEETING WILL BE HELD AT THE DEPARTMENT'S OFFICES AT 122 SOUTH MICHIGAN AVENUE, 19TH FLOOR, CHICAGO ILLINOIS AND AT 320 WEST WASHINGTON STREET 4TH FLOOR, SPRINGFIELD ILLINOIS BY VIDEO CONFERENCEING ON MONDAY, JULY 7, 2014, AT 11:30 A.M. CDT.

The purpose of the meeting will be to provide information regarding the Department's proposed rulemaking for Part 2411 of Title 50 to the Illinois Administrative Code regarding declaratory rulings. A copy of the proposed rulemaking as published in the *Illinois Register* is attached to this notice.

The agenda for the special meeting will be as follows:

- Introductory remarks by the Department
- Question and answer period for interested parties
- Comments by interested parties
- Closing remarks by the Department

To insure there is adequate space, the Department asks that those attending the meeting notify the Department by 5 p.m. CDT on July 3, 2014 by contacting:

Carla Davis
Illinois Department of Insurance
Legislative Affairs Office
320 W. Washington, 4th floor
Springfield, IL 62767
(217) 524-7949
carla.davis@illinois.gov

The State of Illinois requires all persons, prior to entering the Department's Offices, to present one of the following forms of photo identification:

- Valid driver's license or valid identification card from any U.S. state;
- Valid U.S. passport or valid passport issued by another country;
- Any valid military identification; any valid picture identification issued by a government entity within the U.S.; or
- Valid identification issued by a foreign consulate.

FAILURE TO PRESENT AN ACCEPTABLE FORM OF IDENTIFICATION COULD RESULT IN YOUR BEING DENIED ACCESS TO THE DEPARTMENT'S OFFICES

122 South Michigan 19th Floor
Chicago, Illinois 60603
(312) 814-2420
<http://insurance.illinois.gov>

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Declaratory Rulings
- 2) Code Citation: 50 Ill. Adm. Code 2411
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2411.10	New Section
2411.20	New Section
- 4) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/401) and Section 5-150 of the Illinois Administrative Procedure Act (5 ILCS 100/5-150)
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking will allow the Department to offer an official interpretation in the form of a declaratory ruling at the request of any person or company.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Amanda Kimble, Asst. General Counsel or
Department of Insurance
122 S. Michigan Ave., 19th Floor
Chicago, Illinois 60603

Susan Anders, Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

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amanda.kimble@illinois.gov

217/558-0957

217/524-9033 fax

13) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: NoneB) Reporting, bookkeeping or other procedures required for compliance: Procedures for creating a request for a declaratory rulingC) Types of professional skills necessary for compliance: None14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was summarized on the January 2014 Regulatory Agenda as a proposed addition to 50 Ill. Adm. Code 2402, Administrative Hearing Procedures.The full text of the proposed rulemaking begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER dd: DIRECTOR OF INSURANCE, HEARINGS AND REVIEW

PART 2411

DECLARATORY RULINGS

Section

2411.10 Definitions

2411.20 Declaratory Rulings

AUTHORITY: Implementing and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401] and Section 5-150 of the Illinois Administrative Procedure Act [5 ILCS 100/5-150].

SOURCE: Adopted at 38 Ill. Reg. _____, effective _____.

Section 2411.10 Definitions

"Declaratory Ruling" means a ruling as to the applicability to the person presenting the petition or request of any statutory provision enforced by the Department or of any rule of the Department.

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

Section 2411.20 Declaratory Rulings

Upon written request, the Director may, at his or her discretion, issue a declaratory ruling. Notwithstanding the request, the Director is under no obligation to issue a declaratory ruling. The requestor will be informed in writing if the Director declines to issue a declaratory ruling. The procedures set out in this Section shall apply to all declaratory rulings.

- a) A request for a declaratory ruling shall include the following:
 - 1) A concise statement of the facts, which shall include all of the facts known to the requestor that are or may be relevant to a determination of the applicability of a rule or statute and shall certify to the existence of the

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actual state of facts set forth and to the submission of all relevant facts;
and

- 2) A concise statement of all statutes and rules known to the requestor that are relevant to a determination of the request and that the requestor seeks to have considered by the Director in making the declaratory ruling. The requestor shall certify that he or she has identified all statutes and rules the applicant seeks to have considered by the Director in making the declaratory ruling.
- b) Declaratory rulings shall be issued by the Director only as to the applicability to the person presenting the request of:
 - 1) any statutory provision enforced by the Department; or
 - 2) any rule of the Department.
 - c) A declaratory ruling shall state that it is limited to those facts that were presented and to the statute or rule identified by the requestor or other relevant statute or rule identified by the Director.
 - d) The following are limitations of, or restrictions on, declaratory rulings:
 - 1) Declaratory rulings are not appealable;
 - 2) Trade secrets or other confidential information will be redacted from the declaratory ruling before making the ruling available; and
 - 3) A declaratory ruling shall not be issued on a matter requiring an evidentiary proceeding.
 - e) The Director, on his or her own initiative, may issue a declaratory ruling to clarify or elaborate on a rule or statutory provision.
 - f) The Department will maintain a record of the rulings in its principal office in Springfield, Illinois and on its website.